NATIONAL ORGANIC STANDARDS BOARD (NOSB)
DRAFT MEETING MINUTES
TUESDAY, OCTOBER 16, 2001

USDA/NATIONAL ORGANIC PROGRAM (NOP)
1400 Independence Avenue, S.W., South Building Cafeteria
Washington, DC

ATTENDANCE RECORD

Members Present:

Carolyn Brickey	David Carter
Kim Burton	Owasu A. Bandele
Goldie Caughlan	Rebecca J. Goldburg
James Riddle	Eric Sideman
Steve Harper	Mark King
Rosalie Koenig	William Lockeretz
George Siemon	Bob Anderson (former Board member)
Bill Welsh	

Members Absent*:*
Marvin Hollen

National Organic Program (Nop) Staff:

Richard Mathews, Program Manager; Katherine Benham, Maria Strother, Robert Pooler, Mark Keating, and Arthur Neal

CALL TO ORDER

Chair Brickey opened the meeting at 8:48 a.m. and introduced Bob Anderson, Chair of the Board Task Force on Aquatic and Wild Species, to report on the task force's recommendations.

AQUATIC DISCUSSION AND ACTION, *Mr. Robert Anderson, Chair*

Aquatic Task Force Working Group Recommendations

Mr. Anderson opened by stating that the task force, empaneled more than a year ago to review OFPA and explore the potential for creating standards for aquatic species, quickly discovered the need to draw from outside resources in order to do justice to the industry.

The task force determined that, due to there inherent differences, aquaculture (farm-raised species) and wild-caught aquatic species should be dealt with as separate entities and formed two working groups--a wild species group, chaired by Miles MacElvoy from the Washington Department of Agriculture, and an aquaculture group, chaired by Margaret Whittenberg from Whole Foods Markets. The task force recruited extensively and brought together a diverse group of people representing a wide range of activities and interests.

The interaction of task force members and research conducted by the task force, as well as three hearings conducted by the NOP across the United States, led to the following findings.

AQUATIC ANIMALS

Aquatic animals must be raised in discrete populations (similar to herds of cattle or flocks of poultry). Aquatic animals captured for free-ranging populations that have not been under a producer's continuous management beginning no later than the second day of the animal's life are not suitable for organic production. Producers must provide organically produced aquatic animals with a total feed ration composed of organically produced agricultural products. The producer must provide organically managed aquatic animals with a feed ration consistent with the animal's natural dietary preferences. Fish meal and fish oil should be added to the national list as allowed feed supplements.

LIVESTOCK CARE STANDARDS

Producers of organically managed aquatic animals must adhere to established national standards for livestock care and living conditions and must maintain healthy water conditions and production systems.

ORIGIN OF LIVESTOCK

Producers must be responsible for introducing the specific animals produced on their operations, and, regardless of the age at which the management begins, the animals need to be

identified, assembled in a discrete and contained population, and managed under the producer's continuous oversight. These requirements are not satisfied in wild harvest in which a producer has no managerial responsibility or direct contact with the animal until the time it is captured.

LIVESTOCK FEED

Livestock feed must be organically produced to meet the requirements set forth in the National Organic Standards for terrestrial livestock, and any feed materials that are agricultural commodities must be organically produced. The two categories of nonorganically produced feed products, nonsynthetic and nonagricultural, are supported by the NOSB, which establishes that a producer must proactively supply the animals with a balanced and complete feed. However, a producer who captures wild animals has no direct involvement in providing this feed.

LIVESTOCK HEALTH CARE

Health care practices in organic livestock production are predicated upon prevention of stress and illness, and the need for natural and synthetic forms of intervention is well established. The task force was unable to determine how health care could be proactively managed and how intervention could take place in a wild system. Therefore, it was determined that wild operations do not satisfy the health care management requirement established in OPFA.

LIVESTOCK LIVING CONDITIONS

Under the National Organic Standards, It is necessary to establish a distinct, defined space that provides livestock with appropriate shelter and mobility and protects them from prohibitive practices and input. Under livestock identification, the required records document the source of the animal, when it was brought under organic management, how it was fed and cared for, and how it was housed and slaughtered. The wild-capture producer can document

but the records may not fully convey the information required by OFPA. Although the regulated care of wild animals in management systems is encouraged, organic certification is not appropriate for such systems. Wild-harvest aquatic animal operations should be encouraged to explore certification efforts outside of the NOP.

AQUACULTURE

Under aquaculture, it was determined that species could be managed in a discrete system, and livestock feed could be managed and proscriptive. It was noted that for aquaculture to be successful without changing the diet of the animal, it is necessary and appropriate to feed fish meal in that environment. However, if organic fish meal is not available, the task force can only advocate for the organic aquatic species if they don't use fish meal as their base. The task force determined that there should be an allowance of nonorganic fish meal as 5 percent of the feed supplement, rather than the primary feed source, feed stock, or feed ingredient. This is consistent with the National Organic Standards. The task force believes that recommending the use of fish meal as a supplement is a critical precedent for other livestock as well. The task force elected not to develop standards for mollusk production at this time. Mr. Anderson concluded his report and invited questions from the Board. **(pages 4–38)**

CROPS COMMITTEE RECOMMENDATION, Mr. *Owusu Bandele, Chair*

Discuss Guidance on Composting, *Mr. Eric Sideman*

Mr. Sideman opened the discussion on compost, referencing Section 205.203 of the Final Rule. He stated that compost is a controversial area because the Final Rule contains a very narrow set of regulations, which were taken from other agency guidelines on composting. Those guidelines are intended for people running manufacture-of-compost facilities. The problem with the NOP regulations is that they would make it very difficult for farmers to make compost and still carry out farming practices.

The biggest problems have to do with carbon-to-nitrogen ratios, temperature monitoring, and the amount of turning that's taking place, all of which are very restrictive and demanding of time and energy from the farmer.

The Crops Committee has created a Compost Task Force that will develop new language and present it to the NOSB for recommendation to the NOP at the next meeting.

The Task Force will be dealing with two other items, compost tea and vermiculture, to be added to the language, as well as ways to treat manure so that it does not have to meet a manure waiting period. Chair Brickey suggested that the chair for this group be a member of the Board and that the task force should move forward. Mr. Riddle suggested that the task Force contact Dr. Elaine Ingham at Oregon State University, who is an expert on compost tea. **(pages 38–46)**

Discussion on Organic Mushroom, *Mr. Eric Sideman*

Mr. Sideman opened with a recommendation for the proposed mushroom standards, posted on the Web for comment. He said that the Crops Committee had made changes to the standards based upon comments received. He recommended striking the last sentence in paragraph A and inserting a new sentence to read: "Mushroom and media shall not be in direct contact with wood treated with prohibited materials." This will be a Rule addition and will hopefully be the mushroom standard that takes effect in October 2002.

The standard recommendation will also depend on the other standards for compost as stated in paragraph D, which reads: "Manure and nonorganic agricultural material used as growth medium must be composted. Compost used as a growth medium must be produced in accordance with compost guidelines provided in 205.203." The compost standards will not

change until the Rule's amendment after October 2002. In the meantime, farmers will have to deal with the Rule as written, except that they can make their compost piles hotter (as high as 185 degrees) and have higher carbon-nitrogen ratios.

Mr. Bandele inquired about commercial availability of agricultural input, stating that the Board members will need to keep in mind that agricultural materials such as grains/straw are required to be from organic sources, whereas sawdust, which makes up a larger part of those inputs than straw and grain, is not.

Mr. Sideman stated that the majority of the Crop Committee was in agreement with the standards as presented; however, C was a split decision. The minority wanted grain and straw requirements to be based on commercial availability. The majority of the Committee felt that wood should come from areas that have not been treated with prohibited substances.

Ms. Caughlan noted that work is being done with genetic manipulation of forest woods, and it is becoming a bigger product. She added that, because of a lack of awareness, genetically engineered should be addressed and spelled out. Mr. Mathews stressed the importance of keeping all excluded methods in one place so as not to create a loophole by sprinkling it throughout and then missing a spot. Based upon discussion, it was concluded that (c), "as described in Section 205.105(b), the prohibited substance that has not been raised on GMO substrate," should be struck, because it is assumed.

Mr. Harper asked if the same restrictions are in place for a crop site regarding the use of sawdust in a field. Mr. Sideman replied no, because using sawdust in a field is not the same as crop production. Organic compost, organic manure, and organic mulches are required in crop production because growing plants is very different from growing mushrooms. Mushrooms use substrate as a food source, and that food has to be organic. Producers commented that they don't want to have to use organic food for mushrooms because it's not commercially available. The materials that they are looking for are rye, millet, and straw; they felt that they couldn't get

those things organically. Mr. Bandele questioned the availability in different geographic areas.

Mr. Sideman stated that the majority of the Crop Committee felt that rye or millet is commercially available, although it could require extra time to get it; however, the minority of the Committee felt that commercial availability should be taken into account depending upon geographic area.

Mr. Sideman will work on compost use as a growth medium that must be used in accordance with compost guidelines presented in 205.203(c)(2), except that compost piles may be allowed to heat as high as 185 degrees, and C-to-N ratios may be higher.

Mr. Bandele stated that the greenhouse and mushroom documents will be updated and voted on, on Wednesday. **(pages 46–78)**

ACCREDITATION, ***Mr. Willie Lockeretz, Chair***

Vote on Principles of Organic Production and Handling Recommendation

Mr. Lockeretz opened, stating that there are several items to be voted on. The first is the Principles of Organic Production and Handling. In response to comments, it was decided to insert two additional sections: The first addition, now section 1.3, deals with organic livestock production. The second insertion is section 1.5, "Organic production and handling systems strive to achieve agrisystems that are ecologically, socially, and economically sustainable." **(pages 78–92)**

Recommendations Regarding Small Farmer Exemption, "Enclosed in a Container" Requirement for Exclusion of Handler, and Certification of Private Label Products, ***Mr. Willie Lockeretz***

Mr. Lockeretez stated that the next issue is the applicability rules of Subpart B. The first recommendation, which received no public comment, proposes to restore the small farmer exemption to the way it was in the OPFA in which it only applies to farmer and not to handlers.

It also proposes that the exemption apply only if total sales, not just organic sales, are over $5,000. The justification for this is to restore the OFPA language.

There was a brief discussion on the "Enclosed in a container" proposal which the committee voted to drop.

The third issue involving private label products, would insert the word "certified" in three places so that the name of the entity that was certified appears on the label of the product. Currently, a copacker could have a certified operation, but its name doesn't appear on the label so there is no way of knowing who's being certified.

A lengthy discussion ensued. **(pages 92–138)**

Report on Continued Certifying Agent Outreach

Mr. Lockeretz stated that he performed a survey of certifying agencies and received 10 responses. Some concerns expressed are: great time pressure to meet October 21 deadline, lack of clarity on conflict of interest and reasonable security, difficulties in interpreting the standards and getting their questions answered (particularly regarding livestock), and an inadequate understanding of application procedures. Some certifiers are dropping certification and others are simply not pursuing it. **(pages 139–143)**

Analysis of NOP FAQ Web Page for Policy Directive and Rule Revision Recommendations

Mr. Lockeretz stated that in his opinion that the FAQ page of the NOP Web site was done quite well, and his assignment was to see if there were any new issues raised from any of the questions and answers. One issue that was brought to his attention was that there was some confusion expressed regarding the statement, "Organic products that enter the chain of commerce before October 21, 2002, will not be in violation of NOP regulations."

Another item needing further clarification concerns exemptions and exclusions. There are conditionally exempt and excluded operations that have to comply with certain things, but there is no mechanism for informing them of what those things are or dealing with possible violations or handling complaints or verifying that they are meeting the conditions. He further stated that thinking about our applicability recommendations, there needs to be some provision in the applicability recommendations for the contingencies under which exemptions and exclusions are granted.

Mr. Mathews responded that this is an enforcement issue and that the regulations provide bringing alleged violations to the attention of the NOP. **(pages 143–149)**

MATERIALS REVIEW AND NOSB ACTIONS, *Ms. Kim Burton, Chair*

Explain Materials Petition Process and Timelines, Decision Process for Reviewing/Approving a Material (Mr. Richard Mathews recorded all material votes)

Ms. Burton instructed the Board members on review and voting procedures. The materials distributed to the Board have been segregated into three categories: crops, livestock, and processing.

Mr. Bandele began his recommendation on the crop materials, monocalcium phosphate and calcium chloride. Recommendations on copper sulfate will be addressed later.

Monocalcium Phosphate

He stated that monocalcium phosphate or triple super phosphate is a synthetic product because it is produced mainly by the reaction with a monocalcium phosphate, a rough phosphate, with sulfuric acid. The petitioner petitioned this product for use as an amendment in the composting process to reduce the ammonium concentration, thereby conserving nitrogen. The reviewers suggested several alternatives in terms of changing the carbon–nitrogen ratio

that would not require a synthetic compound. The committee ruled unanimously that it was synthetic and voted 13 to one to prohibit it.

Calcium Chloride

The petitioner is asking to use calcium chloride as an inhibitor. Calcium chloride is currently allowed for use in apples to control bitter pits. There are two processes used to manufacture the calcium chloride. One is called the slow bake method, a chemical reaction that would, therefore, make it a synthetic. The second method is the Dow process, also know as brine process. This process, through which most of the calcium chloride is obtained, does not change the chemical structure and is, therefore, viewed as a nonsynthetic. Two reviewers approved calcium chloride produced using the brine process.

Ms. Burton called for a vote on whether the brine process is considered synthetic or natural. **Final Vote: 1 synthetic and 13 natural.** There was a motion that brine process calcium chloride be prohibited unless used for foliar sprays to treat documented nutrient deficiencies. **Final vote: 8 no's and 6 yes's. The motion failed.** There was an amendment that brine process calcium chloride is prohibited unless used for foliar sprays to treat physiological disorder associated with calcium uptake. **Final vote: 2 approve and 12 prohibit with annotation**. There was a final vote on whether all nonbrine processes are synthetic or natural. (Hydrochloric and Solvates) **Final vote: 14 synthetic**.

AFTERNOON SESSION – 1:56 p.m.

PROCESSING MATERIALS – *KIM BURTON*

Boiler Water Additives

Mr. Harper introduced the first item for discussion, boiler water additives, which was deferred from the last meeting partly in order to gain additional information regarding the compilation of results from a processors' survey, a questionnaire, and FOIA materials. He

distributed copies of a summary of the results of a questionnaire developed by the Processing Committee, requesting information on the use of volatile amines in the processing of organic food. Mr. Harper discussed the survey results and concluded that, for the majority of the processors surveyed, less than 25 percent of their entire operation is organic food, which means that they are producing food that's not organic.

He also stated that the industry still feels a need to have some tool to take care of chloroform problems in the plants. The distributed materials included copies of a summary of the FOIA reviews, excluding diethylaminoethanol, which has not yet been received. Extensive FOIAs were received on cyclohexlamine, ammonium hydroxide, and octadecylamine. Most of the information is associated with evaluating the toxicological evidence to determine whether this compound is safe enough to come in contact with food.

The Committee is recommending that three of these compounds, octadecylamine, cyclohexlamine and morpholine, not be allowed in direct contact with food. The materials may be used as long as they don't come in contact with food. Ms. Burton mentioned a discussion in the Processing meeting on the method by which the Board would vote, clearly distinguishing between direct and indirect. Direct includes steam blanching or injection into foods or any process in which steam comes in direct contact with the organic raw material. Indirect refers to anything used in packaging or processing that does not come in direct contact with the product.

Mr. Harper stated that, regarding indirect contact with foods, the Committee voted to prohibit all three compounds. Regarding ammonium hydroxide, the Committee recommended that this material be added to 205.605 with the annotation, "for use as boiler water additive only to be removed from 205.605 on October 21, 2005."

The Committee has given serious consideration to diethylaminoethanol and ammonium hydroxide because these two materials are the most applicable and needed for boiler water additives. On diethylaminoethanol, the Committee voted to defer action because the FOIA

report has not yet been received. Regarding ammonium hydroxide; the Committee felt that there was some compatibility with organic processing. Mr. Riddle stated that DEAE, also deferred at the request of the Petitioner, is prohibited until it has been reviewed.

There was a vote on whether ammonium hydroxide, is synthetic or natural? **Final Vote: 11 synthetic with 3 abstentions due to conflict of interest.** There was a motion to delete the annotation, "removal from the list October 21, 2005." **Final vote: 5 no, 5 yes, 3 conflict of interest, and 1 abstention**. The amendment and motion remain as written. There was a vote to approve with the following annotation: "For use as boiler water additive only, removal from the list October 21, 2005." **Final Vote: 10 approve, 1 prohibit, and 3 abstentions due to conflict of Interest.**

Cyclohexlamine – There was a recommendation not to add this material to 205.605. Carter made a motion to allow for packaging sterilization purposes only. There was a vote on synthetic or natural. **Final Vote: 11 synthetic and 3 abstentions due to conflict of interest**. There was a vote on the motion to allow cyclohexlamines with the annotation, "For use as a boiler water additive for packaging sterilization only." **Final vote: 8 approve with annotation, 3 prohibit, 3 abstentions due to conflict of interest.**

Morpholine – Ms. Caughlin moved that morpholine is a synthetic with the same annotation. There was a vote on synthetic or natural. **Final vote: 1 absent, 3 abstentions due to conflict of interest, and 10 synthetic**. There was a motion to allow the material with the annotation, "For use as a boiler water additive for packaging and sterilization only." **Final Vote: 6 Approved, 4 Prohibit, 3 abstentions due to conflict of interest, 1 absent**. **The motion failed because it needed 8 votes to pass.**

Octadecylamine – Ms. Goldburg moved to vote on whether octadecylamine is synthetic or natural. **Final Vote: 11 synthetic, 3 abstentions due to conflict of interest.** There was a motion to allow with the annotation, "For use as a boiler water additive for packaging sterilization

only." **Final vote: 8 approve, 3 prohibit, 3 abstentions due to conflict of interest. Motion passed.**

Diethylaminoethanol – Mr. Harper stated the Committee recommended that the NOSB defer action on this material until the next meeting. **Chair Brickey concurred that there will be no action with no vote on a deferral**.

Potassium Hydroxide – Mr. Harper stated that the Committee's recommendation is that the NOSB amend the present annotation in 205.605 to read: "Prohibited for use in lye peeling of fruits and vegetables except when used for peeling peaches during the Individually Quick Frozen (IQF) production process." The material was previously determined to be synthetic. **Final Vote: unanimously approved**.

Sodium Phosphates – Mr. Harper stated that on the current listing it as approved "for dairy use only." The Processing Committee recommended that the NOSB make no change to the present annotation. The petition was to reconsider this for a use in a specific food product. At the request of Mr. Siemon, Ms. Burton read the specific request: "To include sodium phosphates on the National List for use in food and beverage products formulated with soy milk and dry soy milk similar to or equivalent to dairy products." There was a motion to amend the annotation as requested by the petitioner. **Final Vote: 1 abstention, 3 approve, and 10 prohibit. The motion fails**.

Cellulose – Cellulose is a new material with a number of different issues. There are a number of different uses of cellulose. One use is for regenerative casings; e.g., what skinless hot dogs are put into during processing. Another use, in powdered form, is as a filtration aid in combination with diatomaceous earth so that the diatomaceous earth does not end up in the final product. It is also used as an anticaking agent, and a specific kind of cellulose is used as thickener in food products. The Processing Committee recommends the approval of cellulose "for use in regenerative casings, as an anticaking agent (nonchlorine bleached), and filtering

aid." The Committee recommendation is just cellulose and not powered cellulose. Mr. Harper moved to vote on whether cellulose is synthetic or natural**. Final Vote: 12 synthetic, 2 abstentions due to conflict of interest**. A motion to approve cellulose "for use in regenerative casings, as an anticaking agent (nonchlorine bleached), and filtering aid" was voted on. **Final Vote: 10 approve, 4 abstensions (2 due to conflict of interest).**

Glycerol Monooleate – When glycerol monooleate was petitioned to be looked at, there was confusion over whether this was a natural or synthetic, and it's been used and approved by a number of certifiers. However, during the review process, a number of alternatives were suggested. Therefore, the Committee recommends that the issue be deferred to allow petitioners to try out some of the alternatives that were suggested. Another reason for deferring is that the Committee felt that the review was inadequate. Mr. Riddle moved to defer and review the material. Mr. Harper closed with no motion as none was required. **(pages 149–403)**

LIVESTOCK PRODUCTION, ***MR. ERIC SIDEMAN***

USE OF SYNTHETIC METHIONINE IN ORGANIC POULTRY PRODUCTION –After careful consideration, the Livestock Committee unanimously concluded that methionine should be listed on the National List but with the stipulation that it be removed 3 years (October 21, 2005) after the implementation date. He said that would be the only way the Livestock Committee was willing to consider that material. The majority of the Livestock Committee felt that during that 3-year period, conventional agricultural products can be used, up to 5 percent of the total feed, on an experimental basis in attempt to develop alternative rations that supply methionine to chickens. **Mr. Sideman moved that methionine be listed with an annotation that it be removed from the list in 3 years. A motion was made** to approve the use of synthetic methionine in organic poultry production with an annotation requiring removal from the list October 21, 2005. There was a vote on whether methionine is a synthetic or a natural. **Final Vote: 14 synthetic.** There was a vote on approving with the annotation **"to remove**

from the list October 21, 2005," Final Vote: 14 approve. Mr. Sideman made a motion that without the sunset that this material remains prohibited. It's a prohibited material now, and it should stay prohibited in the absence of the annotation. Ms. Burton noted if OGC does not approve the annotation, the material will become a prohibited material and not added to the National List. A vote was taken. **Final Vote: 8 voted to prohibit the Department from moving forward if OGC says that the annotation cannot be added to the recommendation from the Board; 3 voted to allow the Department to move forward if OGC does not allow the annotation, and 3 abstained. The motion passes. (The Department will not move forward if OGC says no to the date).** ***(Page 406)***

CROP PRODUCTION, *Mr. Owusu Bandele*

Mr. Bandele opened his presentation on copper sulfate and stated that the petitioner requests the utilization of this product to control algae in applying to rice fields and to control tadpole shrimp.

The compound is allowed for fungicidal purposes in crop production, but there has been a concern regarding accumulations of copper with its use. The EU is moving toward eliminating the use of copper in organic production systems. The Committee is recommending use of copper sulfate with the following annotations: "Allowed only with documented need as an algicide and for tadpole shrimp control in aquatic rice systems" and "used in a manner to minimize accumulations in the soil and discharge from water systems." Chair Brickey cautioned that the problem with such an annotation is that it is difficult to enforce. There was a motion for an annotation for copper sulfate use "only with documented need as an algicide and tadpole shrimp control in aquatic rice systems; not to exceed one application per field per 2-year

interval; used in a manner to minimize accumulation of copper in the soil and discharge into water systems. This material was previously determined to be synthetic. **Final Vote: 10 approve, 3 prohibit, and 1 abstain. The motion passes**.

Mr. Mathews stated that one piece of business needed to be addressed regarding nonbrine calcium chloride. He pointed out that the Board decided that it was synthetic, but did not vote to either approve or disapprove for inclusion in the National List. He stated that without a vote it would be subject to petition in the future. **Final Vote: unanimous to prohibit.**

Chair Brickey urged the audience to sign up for public comments and announced an upcoming presentation by Dr. Post of FSIS. She concluded with plans to go over each Chair's work plan and move to election of chair and vice–chair, which will be a personal written ballot and not a audible vote.

Chair Brickey adjourned the meeting at 5:39 p.m., until 8:00 a.m., on Wednesday, October 17, 2001.